

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

REYNALDO RAMOS §
§
v. § C.A. NO. C-07-252
§
UNNAMED DEFENDANTS §

ORDER OF DISMISSAL

This is a civil rights action filed by a federal prisoner pursuant to 42 U.S.C. § 1983. (D.E. 1).¹ On August 3, 2007, an Order To Show Cause was issued requiring plaintiff to explain within twenty days why he has failed to either pay the \$350.00 filing fee, or file a complete application for leave to proceed in forma pauperis with a copy of his inmate trust fund account statement. (D.E. 11, at 2). He was also ordered to refile an amended complaint pursuant to 42 U.S.C. § 1983 on the proper form within twenty (20) days. Id. To date, he has failed to respond to this order.

An action may be dismissed if the plaintiff fails to prosecute it, or to comply with any court order. Fed. R. Civ. P. 41(b); see also Martinez v. Johnson, 104 F.3d 769, 772 (5th Cir. 1997) (holding district courts have the power to sua sponte dismiss a cause of action for failure to prosecute). ““The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the [d]istrict [c]ourts.”” Martinez, 104 F.3d at 772 (quoting Link v. Wabash R.R., 370 U.S. 626, 630-31 (1962); McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)).

¹ On July 20, 2007, plaintiff consented to proceed before a magistrate judge in this action. (D.E. 9). Consequently, on July 31, 2007, this action was reassigned. (D.E. 10).

Plaintiff has both failed to comply with orders of this Court and abandoned this action.

Accordingly, it is therefore ORDERED that this action is dismissed.

ORDERED this 28th day of August 2007.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE